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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,)
9 Plaintiff,)
10 v.) 2:09-CR-247-KJD-(GWF)
11 THEODORE LUIS EMPEY,)
12 Defendant.)

13 **AMENDED FINAL ORDER OF FORFEITURE**

14 On August 12, 2009, the United States District Court for the District of Nevada entered a
15 Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2); Title 18, United
16 States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c); Title 26, United
17 States Code, Section 5872(a), based upon the plea of guilty by defendant THEODORE LUIS
18 EMPEY to criminal offenses, forfeiting specific property alleged in the Indictment and agreed to
19 in the Plea Memorandum and shown by the United States to have the requisite nexus to the offense
20 to which defendant THEODORE LUIS EMPEY pled guilty. Amended Criminal Indictment, ECF
21 No. 1; Plea Memorandum, ECF No. 22; Minutes of Change of Plea Proceedings, ECF No. 21;
22 Preliminary Order of Forfeiture, ECF No. 24.

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1 This Court finds the United States of America published the notice of the forfeiture in
2 accordance with the law on October 1, 2009, October 8, 2009, and October 15, 2009, in the Las
3 Vegas Review-Journal/Sun and via the official government internet forfeiture site,
4 www.forfeiture.gov, consecutively from August 15, 2009, through September 13, 2009, notifying
5 all known third parties of their right to petition the Court. Notice of Filing Proof of Publication, No.
6 ECF 30.

7 The United States served all known third parties petitioners by personal service. Gene Empey
8 was served by personal service on March 10, 2010. Notice of Filing Service of Process, ECF No. 33.
9 PETITION:

10 On March 17, 2010, a Stipulation for Return of Property, Petition and Order was entered.
11 Stipulation for Return of Property, Petition and Order, ECF No. 34.

12 On March 19, 2010, an Order Granting Stipulation for Return of Property was entered. Order
13 Granting Stipulation for Return of Property, ECF No. 35.

14 This Court finds no other petition was filed herein by or on behalf of any person or entity and
15 the time for filing such petitions and claims has expired.

16 This Court finds no petitions are pending with regard to the assets named herein and the time
17 for presenting such petitions has expired.

18 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all right,
19 title, and interest in the property hereinafter described is condemned, forfeited, and vested in the
20 United States of America pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P.
21 32.2(c)(2); Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section
22 2461(c); Title 26, United States Code, Section 5872(a); and Title 21, United States Code, Section
23 853(n)(7) and shall be disposed of according to law:

- 24 a. Remington 12-gauge shotgun, serial #46289, with barrel shortened to 12.5
25 inches; and;
26 b. any and all ammunition.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all
2 forfeited funds, including but not limited to, currency, currency equivalents, certificates of deposit,
3 as well as any income derived as a result of the United States of America's management of any
4 property forfeited herein, and the proceeds from the sale of any forfeited property shall be disposed
5 of according to law.

6 The Clerk is hereby directed to send copies of this Order to all counsel of record and three
7 certified copies to the United States Attorney's Office.

8 DATED this 9th day of October, 2012.

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UNITED STATES DISTRICT JUDGE